

Amendment No. 1 to HB0358

**Buck
Signature of Sponsor**

AMEND Senate Bill No. 0455

House Bill No. 0358*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-501, is amended by deleting the section in its entirety and substituting instead the following:

(a) "Gambling" is contrary to the public policy of this State and shall mean risking anything of value for a profit whose return is to any degree contingent on chance or any activity employing any form of casino gambling, including, but not limited to, blackjack, craps, roulette, poker, baccarat, keno, slot machines, machines designated as either Class II or Class III under the Indian gaming regulatory act, or electromechanical imitation or simulation of any form of casino gambling. For the purpose of this chapter gambling does not include:

(1) Financial instruments such as stocks, bonds and the like traded on an exchange licensed to do business in Tennessee.

(2) Any commodities or future contracts traded on an exchange licensed to do business in Tennessee.

(3) Any bona fide business transaction that is allowed under the laws of contract to include, but not limited to insurance, farming and dealing with collectibles.

(4) Any game played in a private residence if each player has an equal chance of winning or losing and no fee is required to enter or play and no charge is made for refreshments or other sustenance.

(5) Any activities allowed by Tennessee Code Annotated, Sections 47-18-120 and 124.

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(6) Any activities allowed by Tennessee Code Annotated, Title 4, Chapter 36 (Horse Racing).

(b) "Gambling device" means any contrivance that is primarily designed and manufactured for use in gambling or used in gambling which requires risking value for profit whose return is to any degree contingent on chance. Included in this definition is a mechanical, electro-mechanical, electric or electronic slot machine, video slot machine. Also roulette wheel, crap table layout, any bingo or keno paraphernalia, coin pusher, and pull-tabs, scratch-offs, punchboards or any machine or contrivance depicting these schemes, any records associated with gambling or gambling devices of any modality that are classically used in gambling. This definition includes any contrivance or scheme that awards credits, scores, replays, tokens, tickets, printed chits, prizes or other items that have value or are redeemable for something of value.

Specifically exempted from this definition are:

(1) Commercial games that award only five replays and removed only one at a time and then only to play the game again and no direct or indirect record is made of such replay. A replay, for purposes of this section exists if any award that will extend the playing time for the game is present.

(2) Playing cards, dice, poker chips, any print media with sports predictions and other like paraphernalia if such are marketed through normal retail channel and are not specifically used in gambling.

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(3) Bona fide vending machines that are licensed by the State, where the expectations is to obtain a product that has value each time the machine is operated and offers any promotional advertisement, randomly generated contest, premiums, promotions or sweepstakes, which may allow for the accumulation of promotional points, coupons, or other premiums for the continuance of a promotional contest when operated in accordance with Tennessee Code Annotated, Sections 47-18-120 and 124.

(4) Charitable solicitations that may contain promotional advertisements, randomly generated drawings, contest or sweepstakes which may allow the accumulation of promotional points, coupons, or other premiums for continuance of a promotional contest that are operated in accordance with Tennessee Code Annotated, Sections 47-18-120 and 124.

(5) Annual events conducted by charitable 501(c)(3) organizations that are pursuant to two thirds (2/3) approval of the general assembly as long as events do not include any form of casino gambling as provided in this section.

(6) A state run lottery of the type such as in operation in Georgia, Kentucky, and Virginia in 2000 and authorized by amendment to the constitution, if such lottery is approved by the general assembly and is operated pursuant to this chapter.

(c) "Lottery" is any scheme whereby something of value is placed at risk for a greater value based on a future contingent event whose outcome is based totally on chance.

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SECTION 2 Tennessee Code Annotated, Section 39-17-505(a) is amended by adding the following to the end of the section:

For purposes of a gambling device. It is not a defense under this section if the owner is not in physical possession of the device or record.”

SECTION 3. Tennessee Code Annotated, Section 39-17-505(c) is amended by deleting the section in its entirety and substituting instead the following:

Possession of a gambling device or record is a Class E felony.

SECTION 4. Tennessee Code Annotated, Section 39-17-508 is amended by deleting the section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 39-17-509 is renumbered as § 39-17-508.

SECTION 6. This act shall take effect upon becoming law, the public welfare requiring it.